

MI  
FILED BY *[Signature]* D.C.

IN THE UNITED STATES DISTRICT COURT  
05 MAY 23 ~~PROPR TO~~ THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

*AW*  
2005 APR 25 PM 2:45

ROBERT R. DI TROLO  
CLERK, U.S. DIST. CT.  
UNITED STATES OF AMERICA  
W.D. OF TENN.

VS.

NO.

04-20163-M

TAB VIRGIL,

DEFENDANT

MOTION DENIED

*Care set for  
TR. at June 6<sup>th</sup>*

*[Signature]*  
JOHN PHIPPS McREARY  
U.S. DISTRICT JUDGE

*May 23 2005*  
DATE

*Set 5-23-05  
at 9:30 AM*

### MOTION FOR SETTING OF REASONABLE BAIL

Comes now the Defendant, Tab Virgil, by and through his counsel of record, Javier Michael Bailey, and for action moves this honorable court to set bail pursuant to the 8<sup>th</sup> Amendment of the United States Constitution and the Bail Reform Act, 18 USC 3142. In support thereof, the movant Defendant would show this honorable court the following:

1. That the Defendant has been incarcerated for over 15 months on both state and federal charges arising from the same alleged event.
2. That the State of Tennessee set bail at \$150,000 after an extended probable cause hearing.
3. That Defendant has sufficient minimum contacts within this community and the Western District of Tennessee to mitigate against the risk of flight; including but not limited to a residence in Memphis, Tennessee.

This document entered on the docket sheet in compliance with Rule 55 and/or 32(b) FRCP on 5-23-05

4. That the Defendant is a nationally known entertainer and the matter before the court has received national media attention, thereby further reducing the risk of flight.
5. That there is no indication that the offense charged would be a continuing offense.
6. That the Defendant is presumed innocent pursuant to the United States Constitution, and has a right as a matter of law to reasonable bail, with appropriate conditions.
7. That pretrial incarceration has substantially hindered the Defendant's ability to assist in his defense, and to carry out his livelihood.
8. That the Defendant maintains his innocence and intends to stand trial on the charges as indicted.
9. The Defendant is not a danger to the community.

Respectfully Submitted,

**THE WALTER BAILEY LAW FIRM, LLP**

By: 

Javier M. Bailey (#14186)

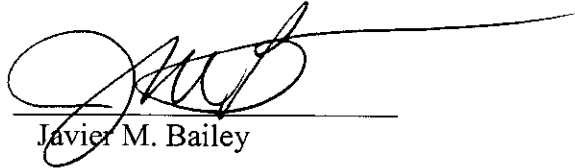
100 North Main Street, Suite 3002

Memphis, TN 38103

(901) 575-8702

CERTIFICATE OF SERVICE

I, Javier M. Bailey, do hereby certify that a copy of the foregoing document has been served upon the following via U. S. Mail, postage prepaid, to the United States Attorney General, this the \_\_\_\_ day of \_\_\_\_\_, 2005:



A handwritten signature in black ink, appearing to read 'JMB', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Javier M. Bailey



## Notice of Distribution

This notice confirms a copy of the document docketed as number 83 in case 2:04-CR-20163 was distributed by fax, mail, or direct printing on May 23, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT